



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

February 16, 2024

By ECF

The Honorable Naomi Reice Buchwald
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: *Center for Constitutional Rights v. United States Department of Defense et al.*,
23 Civ. 7689 (NRB)

Dear Judge Buchwald:

This Office represents the United States Department of Defense (“DOD”), the United States Department of State (“DOS”), and the United States Department of Homeland Security (“DHS”) (collectively, the “Government”), defendants in this action brought pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”). This case concerns a FOIA request submitted by Plaintiff to DOD, DOS, and DHS pertaining to specific locations where Plaintiff alleges the United States transferred and detained Afghan evacuees (the “FOIA Request”) and seeking records related to alleged transfers, detentions, and locations. We write jointly with Plaintiff’s counsel to provide the Court with a status report.

Since the parties’ last status report of December 13, 2023, DOS made a second release of responsive, non-exempt documents on January 29, 2024. Furthermore, the parties met and conferred on January 10, 2024, and February 12, 2024. As discussed between the parties, DOD, DOS, and DHS continue to remain actively engaged in conducting searches for documents responsive to the FOIA Request and/or gathering information within their respective agencies in order to formulate searches. In hopes of aiding those efforts, Plaintiff identified a variety of priority documents to Defendants on November 9, 2023. DOS anticipates making its third release of responsive, non-exempt documents in March 2024. DHS is in the process of coordinating with components and other agencies as it processes a certain subset of potentially responsive documents. In addition, DHS referred this FOIA Request to USCIS and CBP in December 2023. USCIS is in the process of gathering information within its agency in order to formulate searches, and CBP expects to provide Plaintiff an update on the status of the FOIA Request by mid-March 2024. The parties intend to continue to work cooperatively with regard to this FOIA Request and plan to meet and confer on March 18, 2024.

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The parties thank the Court for its consideration of this joint status report and propose to file their next joint status report by April 5, 2024.

Respectfully,

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Southern District of New York

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